

AMENDED IN SENATE JUNE 2, 1999

AMENDED IN SENATE MAY 19, 1999

AMENDED IN SENATE APRIL 12, 1999

SENATE BILL

No. 1006

Introduced by Senator Costa

February 26, 1999

An act to amend Sections 116775, 116780, and 116785 of, and to add Section 116786 to, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1006, as amended, Costa. Drinking water: water softening and conditioning devices.

Existing law prohibits a residential water softening or conditioning appliance from being installed except in certain circumstances, including when the regeneration of the appliance discharges to the waste disposal system of the residence where the appliance is used and certain other conditions are satisfied. These conditions include the requirement that the appliance is certified to control the quantity of salt used per regeneration by a preset device and the settings of the device are limited so that a specified salt efficiency rating is achieved.

This bill would revise and recast these provisions, and would authorize a local agency, as defined, to prospectively limit the availability of residential water softening or conditioning appliances to appliances that activate regeneration by demand control. It would also authorize a local agency, by

ordinance, to limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the ~~waste disposal system of the residence where the appliance is used~~ *community sewer system* if the local agency makes certain findings and includes them in the ordinance.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 116775 of the Health and Safety
2 Code is amended to read:

3 116775. The Legislature hereby finds and declares
4 that the utilization of the waters of the state by residential
5 consumers for general domestic purposes, including
6 drinking, cleaning, washing, and personal grooming and
7 sanitation of the people is a right that should be interfered
8 with only when necessary for specified health and safety
9 purposes or to protect the quality of the waters of the
10 state. The Legislature further finds that variation in water
11 quality, and particularly in water hardness, throughout
12 the state often requires that onsite water softening or
13 conditioning be available to domestic consumers to
14 ensure their right to a water supply that is effective and
15 functional for domestic requirements of the residential
16 household, but that residential water softening or
17 conditioning appliances shall be available only as
18 authorized in this article.

19 SEC. 2. Section 116780 of the Health and Safety Code
20 is amended to read:

21 116780. (a) Unless the context otherwise requires the
22 definitions in this section govern the construction of this
23 article.

24 (b) “Clock control” means the system controlling the
25 periodic automatic regeneration of a residential water
26 softening or conditioning appliance that is based upon a
27 predetermined and preset time schedule.

28 (c) “Demand control” means the system controlling
29 the periodic automatic regeneration of a residential

1 water softening or conditioning appliance that is based
2 either upon a sensor that detects imminent exhaustion of
3 the active softening or conditioning material or upon the
4 measurement of the volume of water passing through the
5 appliance. A demand control system activates
6 regeneration based upon the state of the equipment and
7 its ability to continue the softening process.

8 (d) “Fully manual regeneration” means the method of
9 regeneration of a residential water softening or
10 conditioning appliance in which operations are
11 performed manually and in which dry salt is added
12 directly to the ion-exchanger tank after sufficient water
13 is removed to make room for the salt.

14 (e) “Hardness” means the total of all dissolved
15 calcium, magnesium, iron and other heavy metal salts,
16 that interact with soaps and detergents in a manner that
17 the efficiency of soaps and detergents for cleansing
18 purposes is impaired. Hardness is expressed in grains per
19 gallon or milligrams per liter as if all such salts were
20 present as calcium carbonate.

21 (f) “Local agency” means a city, county, city and
22 county, district, or any other political subdivision of the
23 state.

24 (g) “Manually initiated control” means the system
25 controlling the periodic regeneration of a residential
26 water softening or conditioning appliance in which all
27 operations, including bypass of hard water and return to
28 service, are performed automatically after manual
29 initiation.

30 (h) “Regeneration” means the phase of operation of a
31 water softening or conditioning appliance whereby the
32 capability of the appliance to remove hardness from
33 water is renewed by the application of a brine solution of
34 sodium *or potassium* chloride salt to the active softening
35 or conditioning material contained therein followed by a
36 subsequent rinsing of the active softening or conditioning
37 material.

38 (i) “Salt efficiency rating” means the efficiency of the
39 use of sodium chloride salt in the regeneration of a water
40 softening appliance, expressed in terms of hardness

1 removal capacity of the appliance per pound of salt used
2 in the regeneration process. The units of salt efficiency
3 rating are grains of hardness removed per pound of salt
4 used. One grain of hardness per gallon is approximately
5 equivalent to 17.1 milligrams of hardness per liter.

6 SEC. 3. Section 116785 of the Health and Safety Code
7 is amended to read:

8 116785. Except as provided in Section 116786, a
9 residential water softening or conditioning appliance
10 may be installed only if either of the following apply:

11 (a) The regeneration of the appliance is performed at
12 a nonresidential facility separate from the location of the
13 residence where the appliance is used.

14 (b) The regeneration of the appliance discharges to
15 ~~the waste disposal system of the residence where the~~
16 ~~appliance is used and both of the following conditions are~~
17 ~~satisfied:~~

18 ~~(1) The appliance is certified to control the quantity of~~
19 ~~salt used per regeneration by a preset device and the~~
20 ~~settings of the device are limited so that the salt efficiency~~
21 ~~rating achieved with a clock control, manually initiated~~
22 ~~control, or demand control is the higher of either of the~~
23 ~~following:~~

24 ~~(A) Four thousand grains of hardness removed per~~
25 ~~pound of salt used in regeneration.~~

26 ~~(B) The salt efficiency rating adopted, by regulation,~~
27 ~~by the State Water Resources Control Board that the~~
28 ~~State Water Resources Control Board determines is~~
29 ~~feasible, taking cost to the residential water consumer~~
30 ~~and the availability of residential water softening and~~
31 ~~conditioning technologies into account. the community~~
32 ~~sewer system and all of the following conditions are~~
33 ~~satisfied:~~

34 ~~(1) The appliance activates regeneration by demand~~
35 ~~control.~~

36 ~~(2) An appliance installed on or after January 1, 2000,~~
37 ~~shall be certified by a third party rating organization~~
38 ~~using industry standards to have a salt efficiency rating of~~
39 ~~no less than 3,350 grains of hardness removed per pound~~
40 ~~of salt used in regeneration. An appliance installed on or~~

1 *after January 1, 2002, shall be certified by a third party*
2 *rating organization using industry standards to have a salt*
3 *efficiency rating of no less than 4,000 grains of hardness*
4 *removed per pound of salt used in regeneration.*

5 ~~(2)–~~

6 (3) The installation of the appliance is accompanied by
7 the simultaneous installation of the following softened or
8 conditioned water conservation devices on all fixtures
9 using softened or conditioned water, unless the devices
10 are already in place or are prohibited by local and state
11 plumbing and building standards or unless the devices
12 will adversely restrict the normal operation of the
13 fixtures:

14 (A) Faucet flow restrictors.

15 (B) Shower head restrictors.

16 (C) Toilet reservoir dams.

17 (D) A piping system installed so that untreated
18 (unsoftened or unconditioned) supply water is carried to
19 hose bibs and sill cocks that serve water to the outside of
20 the house, except that bypass valves may be installed on
21 homes with slab foundations constructed prior to the date
22 of installation; or condominiums constructed prior to the
23 date of installation; or otherwise where a piping system is
24 physically inhibited.

25 SEC. 4. Section 116786 is added to the Health and
26 Safety Code, to read:

27 ~~116786. (a) Notwithstanding paragraph (1) of~~
28 ~~subdivision (b) of Section 116785, a local agency may, by~~
29 ~~ordinance, limit the availability of residential water~~
30 ~~softening or conditioning appliances pursuant to~~
31 ~~subdivision (b) of Section 116785, to appliances that~~
32 ~~activate regeneration by demand control. Any ordinance~~
33 ~~adopted pursuant to this subdivision shall be prospective~~
34 ~~in nature and may not require the removal of residential~~
35 ~~water softening or conditioning appliances that are~~
36 ~~installed before the effective date of the ordinance.~~

37 ~~(b) Notwithstanding subdivision (b) of Section~~
38 ~~116786. (a) Notwithstanding subdivision (b) of~~
39 ~~Section 116785, a local agency may, by ordinance, limit~~
40 ~~the availability, or prohibit the installation, of residential~~

1 water softening or conditioning appliances that discharge
2 ~~to the waste disposal system of the residence where the~~
3 ~~appliance is used if the local agency makes both of the to~~
4 ~~the community sewer system if the local agency makes~~
5 ~~both of the~~ following findings and includes them in the
6 ordinance:

7 (1) The local agency is not in compliance with waste
8 discharge requirements issued by the California regional
9 water quality control board pursuant to Chapter 5.5
10 (commencing with Section 13370) of Division 7 of the
11 Water Code.

12 (2) Limiting the availability, or prohibiting the
13 installation, of the appliances is the only available means
14 of achieving compliance with waste discharge
15 requirements issued by the California regional water
16 quality control board.

17 ~~(e)~~

18 ~~(b)~~ Notwithstanding subdivision ~~(b)~~ of Section
19 116785, a local agency may, by ordinance, limit the
20 availability, or prohibit the installation, of residential
21 water softening or conditioning appliances that discharge
22 ~~to the waste disposal system of the residence where the~~
23 ~~appliance is used~~ *community sewer system* if the local
24 agency makes all of the following findings and includes
25 them in the ordinance:

26 (1) The local agency is not in compliance with water
27 reclamation requirements, or a master reclamation
28 permit, issued by the California regional water quality
29 control board pursuant to Article 4 (commencing with
30 Section 13520) of Chapter 7 of Division 7 of the Water
31 Code.

32 (2) Limiting the availability, or prohibiting the
33 installation, of the appliances is the only available means
34 of achieving compliance with the water reclamation
35 requirements or the master reclamation permit issued by
36 a California regional water quality control board.

37 (3) The local agency has adopted, and is enforcing,
38 regulatory requirements that limit the volumes and
39 concentrations of saline discharges from nonresidential

1 sources to the community waste disposal system to the
2 extent technologically and economically feasible.

3 *(c) Local agency findings shall be substantiated by an*
4 *independent study of discharges from all sources of*
5 *salinity, including, but not limited to, residential water*
6 *softening or conditioning appliances, residential*
7 *consumptive use, industrial and commercial discharges,*
8 *and seawater or brackish water infiltration and inflow*
9 *into the sewer collection system. The study shall quantify,*
10 *to the greatest extent feasible, the total discharge from*
11 *each source of salinity and identify remedial actions taken*
12 *to reduce the discharge of salinity into the community*
13 *sewer system from each source, to the extent*
14 *technologically and economically feasible, to bring the*
15 *local agency into compliance with waste discharge*
16 *requirements, water reclamation requirements, or a*
17 *master reclamation permit, prior to limiting or*
18 *prohibiting the use of residential water softening or*
19 *conditioning appliances.*

20 *(d) Any ordinance adopted pursuant to this section*
21 *shall be prospective in nature and may not require the*
22 *removal of residential water softening or conditioning*
23 *appliances that are installed before the effective date of*
24 *the ordinance.*

25 *(e) Any local agency described in subdivision (f) of*
26 *Section 116780 is authorized to adopt an ordinance*
27 *pursuant to this section.*

28 *(f) This section shall become operative on January 1,*
29 *2003.*